IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of: Albornoz et al.	§ § §	Filed: January 15, 2004 Group Art Unit: 2167
Serial No.: 10/757,793	§ §	 Examiner: Michael Pham
Confirmation No.: 5432	§	

For: DEALING WITH ANNOTATION VERSIONING THROUGH MULTIPLE
        VERSIONING POLICIES AND MANAGEMENT THEREOF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
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<tr><td>November 25, 2008
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Dear Sir:

APPEAL BRIEF

Applicants submit this Appeal Brief to the Board of Patent Appeals and Interferences on appeal from the decision of the Examiner of Group Art Unit 2167 dated July 10, 2008, finally rejecting claims 9-13 and 25-31. The final rejection of claims 9-13 and 25-31 is appealed. This Appeal Brief is believed to be timely since it is transmitted by the due date of November 25, 2008, as set by the filing of a Notice of Appeal on September 25, 2008. While no fees are believed due, as an Appeal Brief filing fee was previously paid in connection with an Appeal Brief filed in this matter on September 6, 2007, the Commissioner is hereby authorized to charge counsel's Deposit Account No. 09-0465/ROC920030291US1 for any fees required to make this Appeal Brief timely and acceptable to the Office.

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Real Party in Interest

The present application has been assigned to International Business Machines Corporation, Armonk, New York.

Related Appeals and Interferences

Applicant asserts that no other appeals or interferences are known to the Applicant, the Applicant's legal representative, or assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

Status of Claims

Claims 9-13 and 25-31 are pending in the application. Claims 1-29 were originally presented in the application. Claims 30-31 have been added during prosecution. Claims 1-8 and 14-24 have been canceled without prejudice. Claims 9-13 and 25-31 stand finally rejected as discussed below. The final rejections of claims 9-13 and 25-31 are appealed. The pending claims are shown in the attached Claims Appendix.

Status of Amendments

All claim amendments have been entered by the Examiner. No amendments to the claims were proposed after the final rejection.

Summary of Claimed Subject Matter

A.   CLAIM 9 – INDEPENDENT

One embodiment of the invention provides a method for managing annotations for multiple versions of documents (*see* page 5, paragraph 21, lines 1-5). The method generally includes selecting one or more annotation versioning policies dictating how annotations made for a current version of a document should be applied to a subsequent version of the document (*see* page 5, paragraph 21, lines 3-5). As claimed, the subsequent version of the document includes one or more revisions to substantive content of the current version of the document (*see* page 2, paragraph 5, lines 1-9; page 11, paragraph 29, lines 1-6; page 12, paragraph 31 lines 1-10; page 18, paragraph 61, lines 1-10). As claimed, this method also includes allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations should be applied to subsequent versions of the document (*see* page 5, paragraph 21, lines 5-7).

B.   CLAIM 13 – DEPENDENT

Claim 13 depends from claim 9. In particular, claim 9 specifies that at least one of the annotation versioning policies dictates that an authorized user must validate an annotation created for a current version of a document before the annotation is applied to subsequent versions of the document (*see* page 14, paragraph 49, lines 1-5; page 16, paragraph 55, lines 1-33; Figure 4D; page 17, paragraph 56, lines 7-9; page 18, paragraph 64 lines 1-4).

C.   CLAIM 25 - INDEPENDENT

One embodiment of the invention provides a method for managing annotations for multiple versions of documents (*see* page 5 paragraph 21, lines 1-7). The method generally includes defining a set of available annotation policies, each policy dictating how an annotation created for one version of a document should be applied to one or more subsequent versions of the document (*see* pages 13-15, paragraphs 45-50). As claimed, each subsequent version of the document includes one or more revisions to

substantive content of the current version of the document (*see* page 2, paragraph 5, lines 1-9; page 11, paragraph 29, lines 1-6; page 12, paragraph 31 lines 1-10; page 18, paragraph 61, lines 1-10). As claimed, this method also includes providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation (*see* pages 14-15, paragraphs 50-51).

Grounds of Rejection to be Reviewed on Appeal

1.   A rejection of claims 9-13 and 25-31 under 35 U.S.C. § 103(a) as being unpatentable over *Gupta, et al. (hereafter Gupta)* (U.S. Patent No. 7,051,275), further in view of *Glass, et al.* (hereafter *Glass*), U.S. Publication No. 20040261016, and (U.S. Publication No. 20040252888), *Bargeron, et al.* (hereafter *Bargeron*).

ARGUMENTS

Gupta, in view of _Glass_ and _Bargeron_ do not render claims 9-13 and 25 obvious under 35 U.S.C. § 103.

The Applicable Law

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness begins with first resolving the factual inquiries of Graham v. John Deere Co. 383 U.S. 1 (1966). The factual inquiries are as follows:

(A) determining the scope and content of the prior art;
(B) ascertaining the differences between the claimed invention and the prior art;
(C) resolving the level of ordinary skill in the art; and
(D) considering any objective indicia of nonobviousness.

Once the Graham factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art. Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a prima facie case of obviousness has not been established.

The Gupta Reference

Gupta is directed to an annotation system where annotations are created for multimedia content (_e.g.,_ music and video) available in different data formats, such as a "high resolution" copy or "low resolution" copy. That is, _Gupta_ discloses a system where an annotation created for a multimedia property in one form may be shared with others.

A simple example will illustrate the annotation system of _Gupta._ Consider the well known song "Hey Jude" by the Beatles. Since its original release in 1968, recordings of "Hey Jude" have been available as a record single (as a b-side to the song "Revolution"), on a long playing record, on both 8-track and cassette tapes, and later on compact disc (in each case, as a track on the Beatles' eponymous album). Further, digital copies of "Hey Jude" may be stored in a digital form as raw data (_e.g.,_ a .wav audio file) and in various compressed formats (_e.g.,_ .mp3, .ogg, .aac, .wma, etc.).

Further still, depending on how a copy is created, multiple copies of "Hey Jude" may be available in the same format (*e.g.*, a first .mp3 file created using a sampling frequency of 96hz and a second .mp3 file created using a sampling frequency of 192hz). This last example would result in two audio files of different sizes and sound quality, despite both being mp3 files of the <u>same</u> song. Importantly, however, a copy of "Hey Jude" in any of these forms is still, ultimately, a recording of a well-known Beatles song. That is, despite forty years of different technology any given copy "Hey Jude" provides a copy of the <u>same</u> song.

Gupta discloses a system where an annotation for a copy of "Hey Jude" in one format may be shared with others For example, consider an annotation created for the first mp3 file (created at 96hz), stating "the ballad was written by McCartney—and credited to Lennon/McCartney—to comfort John Lennon's son Julian during his parents' divorce." *Gupta* discloses an annotation system where this annotation may be stored in metadata associated with the first .mp3 but also be associated with the second .mp3 file (created at 192hz), as well as any other "versions" of the Beatles song "Hey Jude." As this example illustrates, while *Gupta* may refer to different "versions" of a given multimedia property, the "versions" actually refer to different storage formats used to convey the <u>same</u> underlying multimedia property.

The Rejection of Independent Claim 9

The Examiner points to multiple different copies of the <u>same</u> multimedia file to suggest that *Gupta* discloses a "method for managing annotations for multiple versions of documents" that includes "selecting one or more annotation versioning policies dictating how annotations made for a current version of a document are applied to a <u>subsequent version of the document</u>," as recited by claim 9. As claimed, the "the subsequent version of the document includes one or more revisions to substantive content of the current version of the document."

Specifically, the Examiner suggests:

Gupta discloses a problem of because [sic] annotations added by a user to one particular version of the multimedia content would be associated with that version and would not be available to users being presented with other versions, see col. 2 lines 28-33. In particular it can be construed

that one particular version and the other versions are subsequent versions. Accordingly, Gupta discloses the asserted current version (particular version) and subsequence versions (other versions).

Advisory Action, Continuation Sheet. In response, Applicants submit that *Gupta* does not disclose a system where annotations made for a <u>current version</u> of a document are selectively applied to <u>subsequent versions</u> of <u>that same document</u> according to an "annotation versioning policy" dictating how annotations made for the current version of a document are to be applied to a given subsequent version. In fact, *Gupta* does not disclose a system that includes both a <u>current</u> and a <u>subsequent</u> version of a given document at all. Instead, *Gupta* discloses a system where annotations made for one copy of a multimedia file, e.g., a musical song stored as an .mp3 file, may be shared with other copies of the same song in different data formats.

While the Examiner is correct that *Gupta* uses the word "version" to describe <u>different copies</u> of a multimedia file, simply <u>different copies</u> is not what is claimed. Nothing in *Gupta*, describes both a <u>current</u> version and a <u>subsequent</u> version of the same document, as claimed. Instead, *Gupta* is directed to an annotation system where annotations may be created for copies of multimedia content (*e.g.*, music and video) available in different data formats, such as a "high resolution" copy and a "low resolution" copy. That is, *Gupta* discloses a system where an annotation created for multimedia content in one form, such as the "high resolution" copy, may be accessed from the "low resolution" copy. While *Gupta* uses the term "version" to distinguish between the different copies, i.e., between the "high resolution version" and the "low resolution version", the different "versions" provide the "<u>same underlying multimedia content</u>." *See Gupta*, ¶¶ 0007, 0027, and 0045.

As used in *Gupta*, it simply makes no sense to refer to a current version of multimedia file and a subsequent version. Consider for example two mp3 files providing a copy of a Chopin piano concerto, a "high-resolution" copy and a "low-resolution copy," it makes no sense to refer to one copy as a "current" version and another as the "subsequent" one. For example, which copy is the "current'" one? Which copy is the "subsequent" one? The high-resolution version? The low-resolution version? Clearly, claims 9 (and 25) contemplate a specific relationship between versions of the same

document. At the same time, the disclosure in *Gupta* two (or more) independent copies of a multimedia file in different formats does not disclose different "version" having this claimed relationship. Returning to the scenario of an mp3 files of a Chopin piano concerto (e.g., a high-resolution copy), if this copy is selected as the "current version" what exactly does the Examiner suggest *Gupta* describes to transform it to the "subsequent" version?

In contrast, claim 9 recites a "method for managing annotations for multiple versions of documents" that includes "selecting one or more annotation versioning policies dictating how annotations made for <u>a current version of a document</u> are applied to <u>a subsequent version of the document</u>." Claim 25 recites a similar limitation. More simply, the present claims use the term "version" to refer to an annotated data source where the substantive content of the data source as been modified between a "current version" and a "subsequent version" of the data source. *Gupta*, on the other hand, clearly uses the term "version" to refer to different formats or containers for the "<u>same underlying multimedia content</u>." By its own terms, *Gupta* provides that "multimedia presentations available to a user may include different versions of the <u>same underlying multimedia content</u>. These different versions can have, for example, different resolutions, different bandwidth requirements, different presentation lengths, etc." *Gupta*, ¶ 0007.

As this discussion illustrates, while *Gupta* uses the term "versions" to refer to different copies of the same multimedia file, it does not disclose a "method for managing annotations for multiple versions of documents" that includes "selecting one or more annotation versioning policies dictating how annotations made for <u>a current version of a document</u> are applied to <u>a subsequent version of the document</u>."

Furthermore, the Examiner concedes that:

> *Gupta* does not explicitly disclose "selecting one or more annotation versioning policies dictating how annotations made" should be applied; and "allowing creators of annotations for a current version of a document to select one or more of the annotations versioning policies."

Final Office Action, p. 3. However, the examiner turns to *Glass* and argues:

> On the other hand, Glass discloses the following claimed limitations: "selecting one or more annotation versioning policies dictating how

annotations made" should be applied [0176, line 6, referring to a document annotation policy. Accordingly, selecting one or more (referring to) annotation versioning policies dictating how annotations should be applied (document annotation policy) is disclosed.]

Final Office Action, p, 3. Applicant submits that the Examiner is reading far too much into the singular use of the word "policy" in *Glass*, ¶ 176. As recited by both claims 9 and 25, "the annotation versioning policies" are characterized as providing a very specific function; namely, "dictating how annotations made for a current version of a document are applied to a subsequent version of the document."

Glass discloses a software application configured to assist a human operator in viewing and recording judgments about the contents of electronic documents (see paragraph [0003] of *Glass*). The "document annotation policy" referenced in *Glass* describes a policy specifying how a document should be classified as being about some particular topic. Set out in full, *Glass*, ¶ 176 provides:

> The annotation system does not require multiple occurrences or sightings by the system or by document annotators of the same or substantially similar document to enable a classification decision. A trained document annotator may judge the contents of a document and semantically label its contents by applying human reasoning and, as needed, by referring to a document annotation policy, thereby saving time and effort.

Glass, ¶ 176. Other than paragraph 176, nothing in *Glass* provides any further description of the "document annotation policy." Clearly, this singular use of the word "policy" in reference to a policy used by a "trained document annotator [to] judge the contents of a document and semantically label its contents by applying human reasoning" does not disclose the claimed limitation of a set of annotation versioning policies "dictating how annotations made for a current version of a document are applied to a subsequent version of the document," as recited by claims 9 and 25. Nevertheless, the Examiner suggests:

> Glass ... disclosed an document [sic] annotation policy, where after training the system on how to apply the annotations to documents, an annotation policy is used on subsequent documents.

Advisory Action, Continuation sheet. However, this flatly mischaracterizes what is described in *Glass*, ¶ 176. The annotation policy is simply not used to train "the system on how to apply the annotations to documents," as suggested by the Examiner.

Instead, the passage refers to a "trained document annotator," i.e., a human individual, judging the contents of a document and labeling such content "by applying human reasoning and as needed by referring to a document annotation policy." In other words, to the extent *Glass* describes an "annotation policy" it describes a policy referenced by a human individual to assist them in "applying human reasoning."

The Rejection of Dependent Claim 13

Furthermore, dependent claim 13 specifies "at least one of the annotation versioning policies dictates that an authorized user must validate an annotation created for a current version of a document before the annotation is applied to subsequent versions of the document." The Examiner suggests that column 13, lines 21-24 of *Gupta* teach these limitations. Applicants respectfully disagree.

The cited portion of *Gupta* teaches that, when a user creates an annotation regarding a segment of a media presentation, a media server may be configured to stream the segment for presentation to the user. By reviewing the streamed segment, the user may verify the portion of the media stream to which his or her annotation will correspond. Verifying the portion of the current document where the annotation should be made is simply not the same as validating, by an authorized user, an annotation made to the current version of the document before applying the annotation to subsequent versions of the document, recited in claim 13. In particular, as demonstrated above, *Gupta* discloses multiple multimedia presentation formats for the same underlying multimedia content, where claim 13 specifies that a user validates whether an annotation applied to a current version of a document should also applied to a subsequent (i.e., modified) version of that document. In the passage cited by the Examiner, there is simply no "current" and "subsequent" version. Instead, there is only a single multimedia presentation being annotated. Applicants respectfully submit, therefore, that the Examiner is trying to modify the system of *Gupta* in a way that is derived only from the plain language of the pending claims.

The Rejection of Independent Claim 25

The Examiner points to multiple different copies of the <u>same</u> multimedia file to suggest that *Gupta* discloses a "method for managing annotations for multiple versions of documents" that includes "selecting one or more annotation versioning policies dictating how annotations made for a current version of a document are applied to a subsequent version of the document," as recited by claim 25

Applicants submit that *Gupta* does not disclose a "method for managing annotations for multiple versions of documents" that includes "defining a set of available annotation policies, each dictating how an annotation created for a current version of a document are applied to one or more subsequent versions of the document." For example, for all the reasons given above, Applicants submit that the independent copies of a given multimedia file described in *Gupta* (e.g., a high-resolution and a low-resolution recording of a musical song) do not disclose the claimed "current version:" of a document and "subsequent version" of that same document.

Furthermore, Applicants submit that the Examiner appears to confuse a set of available annotation policies recited in claim 25 with an annotation set described in *Gupta*. As is recited in claim 25, the set of available <u>annotation policies</u> "dictate how an annotation created for a current version of the document are applied to one or more subsequent versions of the document." Claim 25 further recites that an interface is provided for allowing a user to select one or more of the available annotation policies to be applied to the annotation. The Examiner relies on column 13, lines 25-30 of *Gupta* for teaching the latter limitation. However, consistent with the remainder of the disclosure of *Gupta*, the annotation set disclosed in the cited portion refers to <u>a set of different versions of an underlying multimedia presentation, i.e., to a set of presentations which each contain the same underlying content,</u> for which the annotations may be made, not to the actual annotation policies used to annotate the versions of the multimedia presentation. Consistent with this interpretation of the annotation set, the dialog box 260 disclosed in the cited portion of *Gupta* allows the user to identify a set to which the new annotation will belong.

Based on the foregoing, Applicants respectfully submit that the Examiner misapplies *Gupta* to suggest that *Gupta* teaches providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation, recited in amended claim 25.

Accordingly, for all the foregoing reasons, Applicants submit that *Gupta*, in view of *Glass* and *Bargeron* do not disclose the limitations recited by claims 9 and 25. Therefore, Applicants respectfully request that the board vacate the present rejection and that independent claims 9 and 25 and dependent claims 9-13 and 26-31 be allowed.

CONCLUSION

The Examiner errs in finding that claims 9-13 and 25-31 are unpatentable over *Gupta* in view of *Glass* and *Bargeron* under 35 U.S.C. § 103(a).

Withdrawal of the rejections and allowance of all claims is respectfully requested.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

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CLAIMS APPENDIX

1-8.   (Cancelled)

9.   (Previously Presented)   A method for managing annotations for multiple versions of documents, comprising:

selecting one or more annotation versioning policies dictating how annotations made for a current version of a document are applied to a subsequent version of the document, wherein the subsequent version of the document includes one or more revisions to substantive content of the current version of the document; and

allowing creators of annotations for a current version of a document to select one or more of the annotation versioning policies to dictate how the annotations are applied to subsequent versions of the document.

10.   (Original)   The method of claim 9, wherein at least one of the annotation versioning policies dictates that annotations made for a current version will not be applied to subsequent versions of the document.

11.   (Original)   The method of claim 9, wherein the one or more annotation versioning policies selected are applied at the document level, to all annotations created for a document.

12.   (Original)   The method of claim 9, wherein at least one of the annotation versioning policies dictates that an annotation created for a current version of a document will be applied to subsequent versions of the document.

13.   (Original)   The method of claim 9, wherein at least one of the annotation versioning policies dictates that an authorized user must validate an annotation created for a current version of a document before the annotation is applied to subsequent versions of the document.

14-24. (Cancelled)

25.   (Previously Presented)   A method for managing annotations for multiple versions of documents, comprising:

defining a set of available annotation policies, each dictating how an annotation created for a current version of a document are applied to one or more subsequent versions of the document, wherein each subsequent version of the document includes one or more revisions to substantive content of the current version of the document; and

providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation.

26.   (Original)   The method of claim 25, wherein defining a set of available annotation policies comprises associating one or more annotation policies for use with annotations made for a certain type of document.

27.   (Original)   The method of claim 25, wherein the annotation policies provided to the user in the interface is determined, at least in part, on a credential of the user.

28.   (Original)   The method of claim 27, wherein the annotation policies provided to the user in the interface is determined, at least in part, on a type of document associated with the annotation.

29.   (Original)   The method of claim 25, wherein defining a set of available annotation policies comprises defining the set of available annotation policies by an administrator, wherein the administrator and the user are different entities.

30.   (Previously Presented)   The method of claim 9, wherein at least one of the annotation versioning policies dictates that an annotation created for a current version of a document and applied to a subsequent version of the document includes a marker indicating that the annotation in the subsequent version of the document is unvalidated.

31.   (Previously Presented)   The method of claim 30, wherein the marker is included in the annotation in the subsequent version of the document until an authorized user validates the annotation created for the current version of the document.

EVIDENCE APPENDIX

None.

RELATED PROCEEDINGS APPENDIX

None.